

Message Text

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63

ORIGIN ARA-10

INFO OCT-01 ISO-00 SCCT-01 JUSE-00 L-02 MC-02 CIAE-00

INR-07 NSAE-00 RSC-01 SY-04 TRSE-00 DODE-00 /028 R

DRAFTED BY ARA/CAR - MR. STRASSER:LEE

APPROVED BY ARA/CAR - MR. BURKE

JUSTICE - MR. NORTHCUT (SUBS)

S/CCT - MR. GATCH (DRAFT)

----- 061813

R 062323Z FEB 75

FM SECSTATE WASHDC

TO AMEMBASSY PORT AU PRINCE

C O N F I D E N T I A L STATE 027852

E.O. 11652: GDS

TAGS: PINS, HA

SUBJECT: FURTHER BACKGROUND ON DISMISSAL OF CHARGES AGAINST
URIBASTERRA

REF: STATE 23213

1. BEGIN FYI ONLY: DROPPING OF CHARGES AGAINST URIBAS-
TERRA BY JUSTICE WAS DUE TO IMPORTANT PROBLEM IN EVIDENCE
WHICH EMERGED ON TRIP TO HAITI BY BATF REPRESENTATIVES
WEEK OF JANUARY 20. AT THAT TIME, BATF OFFICERS INTER-
VIEWED GERARD KERNISAN, CUSTOMS INSPECTOR AT FRANCOIS
DUVALIER AIRPORT. KERNISAN, ONLY INDIVIDUAL WITH KEY TO
UNCLAIMED BAGGAGE ROOM, SAID HE HAD NOT HANDLED ANY BAG
WHICH WOULD FIT DESCRIPTION OF THAT CHECKED BY URIBASTERRA
AT MIAMI AIR FRANCE COUNTER. ONLY BAG HE RECALLS WAS OF
MARKEDLY DIFFERENT DESCRIPTION. THIS IN ITSELF, ACCORD-
ING TO ASST. US ATTORNEY NORTHCUT CONSTITUTES SERIOUS GAP
IN EVIDENCE WHICH, GIVEN CIRCUMSTANTIAL NATURE OF CASE
AGAINST URIBASTERRA, COULD EASILY GIVE RISE TO "REASONABLE
DOUBT" CONCERNING HIS GUILT. KERNISAN SHOWED EXTREME
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NERVOUSNESS DURING QUESTIONING.

2. BY DROPPING CHARGES JUSTICE, IN EFFECT, HAS REOPENED THE INVESTIGATION INCLUDING RECOURSE TO GRAND JURY PRO-

CEEDINGS (HELD IN CAMERA). JUSTICE ATTORNEY NORTHCUT WISHES TO UTILIZE GRAND JURY TO QUESTION KERNISAN IN SECRET CONCERNING DISCREPANCIES BETWEEN HIS STATEMENTS MADE TO BATF IN PORT AU PRINCE AND OTHER FACTS KNOWN IN CASE. END FYI ONLY.

3. ACTION REQUESTED: EMBASSY IS REQUESTED TO ASK GOH WHETHER KERNISAN COULD BE MADE AVAILABLE TO APPEAR BEFORE GRAND JURY. EMBASSY SHOULD USE SIMPLE APPROACH THAT KERNISAN APPEARANCE CONSIDERED SIGNIFICANT IN DEVELOPING FURTHER EVIDENCE. TO MAINTAIN MOMENTUM IN CASE, NORTHCUT DESIRES EARLIEST POSSIBLE APPEARANCE, FEBRUARY 13 OR ALTERNATIVELY FEBRUARY 20. JUSTICE WILL ASSUME EXPENSES: PLEASE ADVISE ASAP. KISSINGER

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